

REMARKS

This Amendment is being filed in response to the Office Action dated June 27, 2008, and within one month of the statutory period for reply which ended on September 27, 2008. Claims 1-14 are currently pending in this case. By this Amendment, claims 3, 7 and 11 have been canceled, claims 1-2, 4-6, 8, 10 and 12 have been amended, and new claims 15-16 have been added.

Claim Rejections

§ 112 Rejections

The Examiner has rejected claims 1-14 under 35 U.S.C. § 112, second paragraph as being indefinite. In particular, claim 1 has been rejected for use of the term “capable of”, claims 2 and 10 for the use of the terms “threadlike” and “tape-like”, and claims 10-11 for use of the term “sleeve-shaped.” With regard to claim 1, applicants have replaced “capable of being” with “adapted to be” as suggested by the Examiner. Claim 2 has been canceled, and claim 10 has been amended to recite “mesh material” rather than “tape-like textile material”. Finally, claim 11 has been canceled, while the term “sleeve element” has been used in place of “sleeve-shaped” in amended independent claim 1.

In view of these amendments, applicant believes that the Examiner’s rejections under § 112 have been fully overcome.

§ 102/103 Rejections

The Examiner has rejected claims 1-2, 7-9 and 12 under 35 U.S.C. § 102(b) as being anticipated by WO 02/30293 to Browning; claims 3-6 under 35 U.S.C. § 103(a) as being unpatentable over Browning in view of U.S. Patent No. 5,372,146 to Branch (“Branch”); and claims 10-11, 13 and 14 under § 103(a) as being unpatentable over Browning in view of U.S. Patent No. 6,387,104 to Gellman et al. (“Gellman”). Although applicant respectfully disagrees, independent claim 1 has been amended so as to clearly distinguish all cited references.

In particular, claim 1 has been amended to now recite a system including both collapsible tissue anchors and

s/n 10/550,930

first and second sleeve elements, each extending downward from the respective collapsible tissue anchor along and substantially surrounding a length of the upper portion of the suspending device,

as illustrated in Fig. 8. Newly added claims 15-16 are drawn to additional features, where the sleeve elements are comprised of a mesh material, and are dimensioned to receive therein the fastening devices.

None of the references cited by the Examiner disclose a device having such sleeve elements as presently claimed. The sleeve shaped element substantially surrounds a length of the upper portion of the suspending device, and can be comprised of a mesh which serves to improve tissue ingrowth in the vicinity of the tissue anchor, as noted at paragraph [0057] of the published specification.

Given that each of the cited reference fail to disclose a sleeve element having the features now expressly recited in amended independent claim 1, applicant respectfully submits that the cited references, alone or in combination, cannot properly anticipate or render obvious amended claim 1.

Conclusion

In view of the foregoing, applicant respectfully submits that independent claim 1, as amended, and each of dependent claims 2, 4-6, 8-10 and 12-16 are patentable over the cited references. Reconsideration and allowance is respectfully requested.

The Commissioner is hereby authorized to charge to fee due under 37 C.F.R. § 1.17(a), and any other fee that may be due, to Johnson & Johnson Deposit Account No. 10-0750/GYN5002/MJS.

Respectfully submitted,

/Melissa J. Szanto/

Melissa J. Szanto
Attorney for the Applicants
Reg. No. 40,834

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-1365
DATED: September 29, 2008

s/n 10/550,930